

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.51 of 2012

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ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioners/respondents seeking to quash the proceedings in M.C.No.13 of 2012 on the file of the Sub-Divisional Magistrate, Parvatipuram.

This Court while admitting the Criminal Petition, granted stay of further proceedings. From a perusal of the record it is evident that the notice in question was issued on 03-10-2011. As per the provisions under Section 107 Cr.P.C., an order can be passed only for a period of one year. Admittedly, taking into consideration that there are some disputes and there is possibility of breach of peace, the said order was issued, which is pertaining to the year 2011. Considering the same, this Court is of the view that the present M.C. can be quashed, for the lapse of time. Accordingly, the proceedings in M.C.No.13 of 2012 on the file of the Sub-Divisional Magistrate, Parvatipuram, are hereby quashed.

Accordingly, the Criminal Petition is allowed. However, it is made clear that if the official Respondents are of the view that still there is possibility of breach of peace by petitioners, they can issue a fresh notice and proceed in accordance with law.

Consequently, miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

RAJA ELANGO, J

26th November, 2015
skmr

